

### **REMARKS**

Careful consideration has been given to the Official Action of May 2, 2005 and reconsideration of the application as amended is respectfully requested.

In the outstanding Action of 05/02/2005, claims 1-25 have been examined..

Claims 1-8, 11-16 and 20-23 stand rejected under 35 U.S.C. 102(e) as being anticipate by Draghetti et al., US Patent No. 6,516,589.

Claims 9-10, 17-19, and 24-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Draghetti et al.

In response, claim 1 has been amended to incorporate the contents of claim 2 and claim 2 has been canceled. Accordingly, claims 1 and 3-25 are pending in the present application.

It is respectfully submitted that the claims are allowable over the cited art.

Claim 1 recites a method of conveying articles comprising the steps of

- A. feeding an article to a pocket of a conveyor travelling along a given path;
- B. retaining said article by gripping means associated with said pocket;
- C. feeding the article along said path in a given direction by means of said pocket while the gripping means retain the article;
- D. releasing said article from said gripping means while the pocket advances along the path;
- E. pushing the article against a locating member of said pocket as said article is advanced along the path and as said article is released from said gripping means in order to move the article into contact with the locating member;

- F. retaining the article by means of said gripping means once the article rests against said locating member.

Features A, B, C and D recited above are disclosed in Draghetti et al. and features E and F are not disclosed in Draghetti et al.

In column 4, lines 46-59, Draghetti et al. discloses: *“In actual use, overwrapped packet 35 is fed to the output of folding station 25 inside respective pocket 33 and in time with a respective pocket 37. At the output of station 25, when shaft 49 is oscillated about axis 51 and portions of folding devices 34 are still positioned engaging outer wrapping 36, the two lateral jaws 47 and transverse jaw 48 are all moved simultaneously from a detached position to a gripping position (FIG. 2) in which sealing devices 60 and sealing device 70 are respectively positioned contacting overlap portions 36a and overlap portion 13a, so as to clamp overwrapped packet 35 inside respective pocket 37 (emphasis ours) and stabilize outer wrapping 36 by means of two end seals at overlap portions 36a and a longitudinal edge seal at overlap portion 13a.”*

From the above, it is clear that Draghetti et al. discloses simultaneously moving the two lateral jaws 47 (supporting the sealing devices 46) and the transverse jaw 48 (supporting the sealing device 70) so as to retain the article inside the pocket 37.

Furthermore, in column 4, lines 60-64, Draghetti et al. discloses: *“Jaws 47 and 48 are maintained in the gripping position along the whole of sealing path P1, which forms part of wrapping path P and extends along a curved plate 71*

*extending, from the output of folding station 25, along an arc of about 180° about the periphery of sealing wheel 38.”*

From the above, it is clear that the jaws 47 and 49 do not release the article along the sealing path P1, and thus Draghetti et al. does not disclose the aforementioned features D, E and F of claim 1.

In paragraph 2 of the outstanding Office Action, the Examiner states that Draghetti et al. discloses feeding articles to pocket conveyor 38, retaining an article by gripping means 46 and 49 associated with pocket 37, and pushing the article with push means 32 against locating member 71 as it is advanced. As stated above, Draghetti et al. does not disclose releasing the article from the gripping means 46 and 49 and then again retaining the article by means of the gripping means 46 and 49; furthermore, push means 32 fed the article to the pocket 37, but they do not push the article against locating member 71, which is not a locating member, but it is just a curved plate for the mechanical protection of the sealing path P1.

Claim 1 recites, in part, releasing the article from the gripping means (feature D), to push the article against a locating member of the pocket as the article is released from the gripping means (feature E), and then retaining again the article by means of the gripping means (feature F).

Draghetti et al. does not anticipate claim 1, because Draghetti et al. does not disclose releasing the article from the gripping means (feature D), to pushing the article against a locating member of the pocket as the article is released

from the gripping means (feature E), and then again retaining the article by means of the gripping means (feature F).

Additionally, there cannot be a valid *prima facie* case of obviousness based on Draghetti et al., because it does not show or even suggest releasing the article from the gripping means (feature D), pushing the article against a locating member of the pocket as the article is released from the gripping means (feature E), and then retaining again the article by means of the gripping means (feature F). In order to arrive at the invention as claimed in claim 1, one would have to completely disregard the teachings in Draghetti et al., which teaches maintaining the gripping means in contact with the article during the whole path. There is no suggestion to discard these teachings without using applicants' own disclosure as a template, and no such suggestion can be found in the reference. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" MPEP § 2143.03. The other reference (AAPA) add nothing of relevance to claim 1.

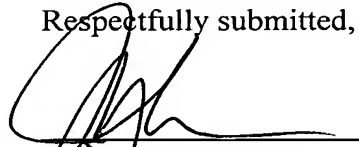
Accordingly, claim 1 is deemed allowable. Claims 3-25 depend from claim 1 and are also deemed allowable.

In responding to our previous arguments, the Examiner states in paragraph 5 that "the features upon which Applicant relies (i.e. releasing the article so as to let the article be pushed against a locating member of the pocket) are not recited in the rejected claim(s)". This is not understood as the pushing step (feature E) follows the releasing step (feature D) and subsequently the retaining of the article

(feature E) by the gripping means takes place when the article rests against the locating member. No such release of the article from the gripping means, pushing the article against the locating member and then re-engaging the gripper means is contemplated in Draghetti et al.

In view of the above action and comments, early and favorable reconsideration of the application and allowance of the claims is earnestly solicited.

Respectfully submitted,



JULIAN H. COHEN  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No. 20302  
Tel. No. (212) 708-1887